



COUNCIL MINUTES

August 24, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 24, 2009 at 5:45 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by President Terry Turk, Mesa East Stake of The Church of Jesus Christ of Latter-day Saints.

Pledge of Allegiance was led by Talon Parke, Scout Troop No. 557.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Fire and Life Safety Education Specialist Michelle Long provided a brief overview of the Drowning Prevention Campaign, a nationally recognized program that addresses the public health issue of childhood drowning. She reported that the year-round community program targets English and Spanish-speaking households with young children and noted that the educational emphasis of the campaign is directed at eye-to-eye supervision by an adult, the installation of barriers around water, and CPR and swimming classes.

Ms. Long advised that the Mesa Fire Department makes presentations at a variety of venues including, but not limited to, safety and swim events, water safety walks, and educational programs at apartment complexes. She also stated that in 2009, the Department's Drowning Prevention Campaign, which emphasizes the ABC's of water safety and drowning prevention, has resulted in more than 113,000 contacts with Mesa residents.

Ms. Long further remarked that every year across Arizona, August is recognized as Drowning Impact Awareness Month. She explained that the purple ribbon associated with the campaign reminds everyone to take basic steps to prevent child drowning and also to recognize the impact that each drowning and near-drowning has upon children, families, public safety providers and the community. Ms. Long, speaking on behalf of the Mesa Fire Department, expressed appreciation to Mayor Smith for signing the Proclamation which designates August as Drowning Impact Awareness Month in the City of Mesa.

Mayor Smith noted that it was a privilege for him to sign the Proclamation and acknowledged that child drowning continues to be one of the “scourges” in the Valley. He also stated that he was hopeful that the Mesa Fire Department and the media would continue to make this issue a top priority and he encouraged Mesa residents who do not have fences around their pools to install them in order to prevent further child drowning incidents.

Ms. Long commented that in conjunction with Drowning Impact Awareness Month, the Mesa Fire Department would like to recognize the following individuals for their efforts to address the issue of drowning prevention:

- Jake Brown and Jordan Brimley, two students who independently developed Eagle Scout projects that targeted drowning prevention in their respective neighborhoods.
- Larry Duffsy and Steven Vollaro, the owners of Cameo Pools, who include information in their sales packets regarding water safety.
- Jason Sutphen, the owner of Steadfast Construction Company, who donated \$4,000 worth of equipment, dirt and personnel to fill an empty pool in a condominium community in west Mesa.

Mayor Smith congratulated everyone for their efforts and hard work.

Human Services Specialist Lisa Wilson reported that on June 1st of this year, the City kicked off its Mesa Hydration Donation Campaign to collect bottles of water to be distributed to the homeless. She explained that as a result of a news release requesting the public’s assistance in obtaining more donations, Hayden Brown, a Boy Scout who resides in Queen Creek, conducted a water bottle drive in his neighborhood and collected 2,200 bottles of water in one weekend. Ms. Wilson presented Mr. Brown with an award in appreciation of his efforts and hard work in this regard.

Mayor Smith congratulated Mr. Brown for his service to the City of Mesa.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes of the December 11, 2008, January 8 and 29, February 19 and 26, March 5, 12 and 19, May 18 and 21, June 4, 22 and 25, and July 1 and 8 Council meetings.

3. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexation:

- 3a. **A08-40 (District 5)** Annexing land located at the northeast corner of Hawes Road and Hermosa Vista Drive (2.02 ± acres). Initiated by the property owner, Stephen Loper.

Mayor Smith announced that this is the time and place to conduct a public hearing regarding annexing land located at the northeast corner of Hawes Road and Hermosa Vista Drive (2.02 ± acres).

There being no citizens present wishing to speak on this matter, the Mayor declared the public hearing closed.

4. Take action on the following liquor license applications:

*4a. Max Mart

New Beer and Wine Store License for Max Mart, 735 East McKellips Road, Max Mart LLC – Emad Mustafa Abushanab, Agent. The previous Restaurant License held at this location by Nathaniel Pethyon LLC was surrendered to the State on June 10, 2009. **(District 1)**

*4b. Ricco Mini Mart

New Beer and Wine Store License for Ricco Mini Mart, 1224 North Gilbert Road, Emys Phone Card LLC – Eman Pauls Hallak, Agent. The previous Restaurant License held at this location by WJ Foods LLC became inactive with the State on April 20, 2009. **(District 1)**

*4c. Caffe Boa Bistro

New Restaurant License for Caffe Boa Bistro, 2837 North Power Road, Suite 102, Caffe Boa Bistro LLC – Casey Marie Garden, Agent. The previous Restaurant License held at this location by Pacific Bay Company LLC was terminated with the State on March 31, 2009. **(District 5)**

*4d. Pisa Pizza

New Restaurant License for Pisa Pizza, 2015 North Power Road, Suite 106, Pisa Pizza Restaurante Inc. – Atli Gorenca, Agent. The previous Restaurant License held at this location by Monte Cellos AZ01 LLC was terminated with the State on March 31, 2009. **(District 5)**

*4e. Zushi

New Restaurant License for Zushi, 6727 East McDowell Road, Restaurant Zushi Company – Cookie K. Sohn, Agent. The previous Restaurant License held at this location by Zushi LLC will revert back to the State. **(District 5)**

5. Take action on the following contracts:

*5a. Renewal of the Term Supply Contract for Automotive Lubricant and Oil Products for the Fire and Fleet Services Departments. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Brown Evans Distributing Company, a Mesa business, at \$251,000.00, based on estimated annual purchases.

*5b. Renewal of the Term Supply Contract for Children's Mass Market Paperback Books for the Library. **(Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with Book Wholesalers Inc., dba BWI, at \$15,000.00, based on estimated annual purchases.

*5c. Renewal of the Term Supply Contract for Large Print Library Books for the Library. **(Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with Thomson Gale Group, Inc. at \$29,000.00, based on estimated annual purchases.

*5d. Renewal of the Term Supply Contract for Library Books, Music CDs, Videos/DVDs and Spoken Word Materials for the Library. **(Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with Baker & Taylor, Inc. at \$600,000.00 and Ingram Library Services at \$20,000.00, for the total renewal contract of \$620,000.00, based on estimated annual purchases.

*5e. Renewal of the Term Supply Contract for Landscape Sprinkler Parts & Supplies for the Materials and Supply Warehouse. **(Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with Sprinkler World of AZ, Inc., a Mesa business, at \$140,000.00, based on estimated annual purchases.

*5f. Term Supply Contract for Printed Utility Bill Coupons for the Mail & Print Services Division. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Century Graphics, Inc., at \$33,276.30, including applicable sales tax.

- *5g. Purchase of Five (5) Ultra Mobile Tactical Computer Systems for the Police Department, SWAT Team (Fully Funded Homeland Security Program, Urban Area Security Initiative Grant). **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Technology Advancement Group, Inc. (TAG), at \$33,263.55, including applicable use tax.

- *5h. Term Contract for Police Vehicle Maintenance and Repair Services for the Police Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the highest scored proposals: Five Star Ford (as the primary vendor) at \$425,735.00 and Berge Ford, a Mesa business, (as the secondary vendor) at \$141,911.00, based on estimated annual requirements and purchases, for the combined total award of \$567,646.00.

- *5i. Renewal of the Term Contract for Traffic Paint for the Transportation Department, Field Operations. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State ADOT contract with Pervo Paint Company at \$116,992.16, for the remaining contract period through June 8, 2010, based on estimated purchases.

- *5j. Term Supply Contract for Streetlight and Traffic Signal Poles, Mast Arms and Anchor Bolts for the Materials & Supply Warehouse. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible vendors, Cem-Tec Corporation at \$205,131.03, Ameron International at \$30,421.25 and Union Metal Corp. at \$190,679.81, for a total of \$426,232.09.

- *5k. Castillo Nuevo Gas Line Replacement – 3300 East Broadway Road. **(District 2)**

City Project No. 01-531-003. This project will replace 2,200 linear feet of 2-inch polyethylene ("PE") gas pipe, 1,000 linear feet of 2-inch steel gas pipe, 2,850 linear feet of 1-inch PE gas pipe, 1,550 linear feet of ½-inch PE gas pipe and relocation of 83 gas meter set assemblies in the Castillo Nuevo Mobile Home Community.

Recommend award to the low bidder, Arizona Pipeline Company, in the amount of \$210,425.90 plus an additional \$21,042.59 (10% allowance for change orders) for a total award of \$231,468.49. This project is funded from the approved FY 09/10 Gas Bond Capital Program. HCA Management, owner of Castillo Nuevo Mobile Home Community, will provide a non-refundable Contribution In Aid to Construction of \$125,000 towards the installation costs.

- *5l. Gas SCADA System for Nine Gas Regulator Stations. **(Districts 1, 3 and 6)**

City Project No. 01-886-001. This project will install a solar powered (green) controller, pole mounted with an antenna near the existing regulator station to radio back status information to the control center.

Recommend award to the low bidder, Dutch Masters Electric Inc., in the amount of \$150,019.04 plus an additional \$15,001.90 (10% allowance for change orders) for a total award of \$165,020.94. This project is funded from the approved FY 09/10 Gas Bond Program.

- *5m. Intelligent Transportation System (ITS) Traffic Signal Conversions - Country Club Drive (McKellips Road to Baseline Road). **(Districts 1, 3 and 4)**

City Project No. 03-055-001. This project includes approximately 5½ miles of new underground conduit and fiber-optic cable along Country Club Drive from McKellips Road to Southern Avenue, and connection to an existing underground cable from Southern Avenue to Baseline Road. Also included are additional branch connections along the Broadway Access Road, University Drive, 8th Street, and Brown Road. This project will convert the 12 traffic signals still on the *Sonex* traffic management system to the modern system, and enhance communications to ten other traffic signals. New closed-circuit television (CCTV) traffic monitoring cameras and video based traffic detection systems will also be installed at major intersections.

Recommend award to the low bidder, Kleven Construction, in the amount of \$1,056,031.00 plus an additional \$105,603.10 (10% allowance for change orders) for a total award of \$1,161,634.10. Funding is available in the adopted FY 09/10 Streets Bond Capital Program.

- *5n. Guadalupe Road Gas Main Replacement, Country Club Drive to Alma School Road. **(District 3)**

City Project No. 06-005-001. This project includes replacing approximately 2,400 linear feet of 6-inch steel gas pipe with 2,400 linear feet of 4-inch polyethylene (PE) gas pipe along Guadalupe Road from Alma School Road to Extension. Additionally, approximately 2,600 feet of existing 6-inch steel gas pipe will be abandoned from Extension to Country Club Drive on Guadalupe Road. The 6-inch steel gas line on Guadalupe Road from Country Club Drive to Alma School Road requires replacement due to its aging and deteriorating condition. The section from Extension to Country Club Drive is no longer needed because most of the area has already been developed and is unlikely to use natural gas in the future and will be abandoned.

Recommend award to the low bidder, Mastec North America Inc., in the amount of \$98,182.89 plus an additional \$9,818.29 (10% allowance for change orders) for a total award of \$108,001.18. This project is funded from the approved FY 09/10 Gas Bond Program.

- 5o. Mesa Art Center - Glass Studio Expansion, 1 East Main Street. **(District 4)**

City Project No. 07-056-001. This project will expand the existing glass studio patio area at the Mesa Arts Center and install canopies to provide protection from sun and weather. The expanded area will increase the work area, provide additional space for more students, increase safety, and provide additional storage. Currently, about half of the available equipment is utilized in the courtyard and the number of students is limited. The expansion will increase the earning capacity by increasing the number of students per session, as well as extend the period of usability by the addition of a canopy. The

expansion will demolish the existing masonry wall on the north side of the patio area (re-use of the existing iron work) and install a new masonry wall approximately 14-foot north of the existing wall.

Recommend award to the low bidder, Renovation Solutions Group Inc., in the amount of \$89,039.00 plus an additional \$8,903.90 (10% allowance for change orders) for a total award of \$97,942.90. Funding is available in the adopted FY 09/10 Arts and Cultural Capital Program using Cultural Impact Fees restricted for the expansion of facilities.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Richins, that staff's recommendation be approved.

Councilmember Finter stated that he requested that this item be removed from the consent agenda. He explained that although he does not object to the project itself, he does have concerns with the City expending these funds during the current downturn in the economy.

Councilmember Kavanaugh commented that the glass studio expansion is being funded by Cultural Impact fees, which are collected for specific purposes and cannot be used, for example, to repair streets or pay Police salaries. He noted that such fees were collected from residents who bought new homes in the community over the past number of years and stated that such fees are to be used for the expansion of City facilities due to growth created by the community.

Councilmember Kavanaugh further remarked that the glass studio at the Mesa Arts Center is one of the few facilities of its kind in Arizona and added that its expansion would dramatically increase the capacity of the studio for students, which would ultimately provide increased revenues for operational costs at the Arts Center, and also provide expanded viewing opportunities for the public.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES - Smith-Higgins-Jones-Kavanaugh-Richins-Somers
NAYS - Finter

Mayor Smith declared the motion carried by majority vote.

6. Take action on the following resolutions:

- *6a. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission (Crime Victim Assistance) to secure grant funds in the amount of \$30,600 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program – Resolution No. 9540.
- *6b. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Department of Public Safety Victims of Crime Act (VOCA) to secure grant funds in the amount of \$44,743 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting domestic violence victims of crime – Resolution No. 9541.

- *6c. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety Victims of Crime Act (VOCA) to secure grant funds in the amount of \$44,743 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting restitution-eligible victims of crime – Resolution No. 9542.
- *6d. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission to accept grant funds in the amount of \$121,000 for two replacement vehicles and equipment for the Police Department's Forensic Services – Resolution No. 9543.
- *6e. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Department of Public Safety to accept grant funds in the amount of \$178,898 for two Victim Services Specialists and one Domestic Violence Intervention Specialist in the Police Department Victim Services Unit – Resolution No. 9544.
- *6f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Public Safety and the City of Mesa for 75% reimbursement of officer's salary assigned to the Arizona Vehicle Theft Task Force – Resolution No. 9545.
- *6g. Extinguishing Temporary Drainage Easements at 1926 and 1954 South Crismon Road – Resolution No. 9546. **(District 6)**

These easements are no longer needed as the design of the property has changed and new drainage easements have been dedicated.
- *6h. Extinguishing Easements for Highway Purposes at 7618 East University Drive – Resolution No. 9547. **(District 5)**

These easements are no longer necessary as the City's traffic plan does not need a portion of this area to be public right-of-way and the other area is already right-of-way.
- *6i. Authorizing the dedication of street right-of-way on City-owned property at 1528 South Greenfield Road (Holmes Park) – Resolution No. 9548. **(District 6)**

This right-of-way is needed for the Greenfield Road widening project and to accommodate the on-ramp to the freeway.
- *6j. Authorizing granting a Power Distribution Easement to Salt River Project on City-owned property at Elliot Road and Crismon Road – Resolution No. 9549. **(District 6)**

This easement is necessary to provide electrical facilities to the City's Desert Well Site No. 17.
- *6k. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Queen Creek and the City of Mesa for the Southeast Mesa and Queen Creek Area Traffic Study. The purpose of this Agreement is to identify and define the responsibilities of the Town and City for the Study. Mesa's estimated share of the

study cost is \$49,461.50. Funding is available in the adopted FY 09/10 Streets Capital Program using Street Sales Tax – Resolution No. 9550. **(District 6)**

7. Introduction of the following ordinances and setting August 31, 2009, as the date of the public hearing on these ordinances:

- *7a. **A08-18 (District 6)** Annexing land located just south of Broadway Road and west of Signal Butte Road (4.9± acres). Initiated by the applicant Pat Gilbert for the Marc Center.
- *7b. **Z09-08 (District 6)** 10617 East Oasis Street. Located west of Signal Butte Road and south of Broadway (4.9± acres). Rezone from R1-9 to R-3 with a Site Plan Review; also consider the preliminary plat. This case will allow the development of a Supportive Housing Project. MARC Center, owner; Saemisch DiBella Architects, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods)***

P&Z Recommendation: Approval with conditions. (Vote: 4-0-1) Boardmember DiBella abstained. Boardmember Perkinson absent.

- *7c. **Z09-15 (District 6)** 8257 East Guadalupe Road, Suites 9-13. Located west of Hawes Road on the south side of Guadalupe Road. Council Use Permit. This request will allow a charter school in a C-2 district. Pamela Johns, Guadalupe Hawes Dev. Investors, LLC, owner; Jill Gaitens, Vistas Leadership Academy, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0) Boardmember Roberts absent.

- *7d. Amending Title 8, Chapter 6 of the Mesa City Code to establish and implement an individual residential rental inspection program.

8. Discuss, receive public comment, and take action on an ordinance introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *8a. Repealing Title 6, Chapters 12 and 19 of the Mesa City Code in its entirety and adopting a new Title 6, Chapter 12 relating to offensive, excessive and prohibited noises – Ordinance No. 4942.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 6:10 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 24th day of August 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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